

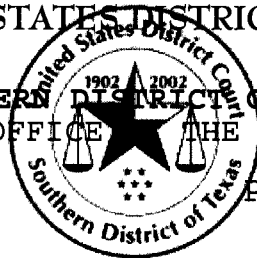
FILED

AUG - 4 2008

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

OFFICE OF THE CLERK



RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

MICHAEL N. MILBY

CLERK

POST OFFICE BOX 61010

HOUSTON, TEXAS 77208

DATE: July 30, 2008

TO: U. S. District Court
Northern District of California
280 South First Street, Room 2112
San Jose, CA 95113

FROM: M. Lerma, Deputy Clerk

Case No. Cr H-08-579M

Your Case No. **C**✓C07-4234 USA vs Paul Sholtz

Enclosed please find all papers pursuant to Rule 5 of the Federal Rule of Criminal Procedure:

☒ [X] File (including minutes, orders, etc.)

☐ [] Bonds (any cash deposit in the Registry will be forwarded under separate cover)

☐ [] Passports:

☐ [] Other:

☐ [] Please sign and return a copy of this form in the enclosed envelope.

Rec'd by: _____ Date: _____

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:08-mj-00579-1
Internal Use Only**

Case title: USA v. Sholtz

Date Filed: 07/28/2008

Other court case number: C07-cv-04234 JW
Northern District of
California

Assigned to: Magistrate Judge
Calvin Botley

Defendant (1)

Paul Sholtz

represented by **Federal Public Defender -
Houston**
440 Louisiana
Ste 310
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender
Appointment*

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

TRUE COPY I CERTIFY

Clifford A. Milby, Clerk of Court

Mercedes P. Lerma
Deputy Clerk

Disposition

Terminated Counts

None

Highest Offense Level
(Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

Date Filed	#	Docket Text
07/28/2008	<u>1</u>	Copy of Civil Minutes filed in the Northern District of California Ordering a Bench Warrant as to Paul Sholtz:, filed. (mlerma,) (Entered: 07/29/2008)
07/28/2008	<u>2</u>	Minute Entry for proceedings held before Magistrate Judge Calvin Botley: INITIAL APPEARANCE as to Paul Sholtz, (Deft informed of rights) held on 7/28/2008. Appearances:S. Louis AUSA.A. Sanchez AFPD(ERO:Yes) Deft remanded to USM, filed.(mlerma,) (Entered: 07/30/2008)
07/28/2008	<u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER - Houston for Paul Sholtz (Signed by Magistrate Judge Calvin Botley) Parties notified. (mlerma,) (Entered: 07/30/2008)
07/28/2008	<u>4</u>	WAIVER of Rule 5 & 5.1 Hearings by Paul Sholtz, filed. (mlerma,) (Entered: 07/30/2008)
07/28/2008	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to Paul Sholtz. Defendant committed to Northern District of California (Signed by Magistrate Judge Calvin Botley) Parties notified. (mlerma,) (Entered: 07/30/2008)
07/30/2008	<u>6</u>	RULE 5 Papers sent to Northern District of California, San Jose Division as to Paul Sholtz, filed.(mlerma,) (Entered: 07/30/2008)
07/30/2008		(Court only) ***Case Terminated as to Paul Sholtz (mlerma,) (Entered: 07/30/2008)

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT			
Southern		District of Texas	
UNITED STATES OF AMERICA V.		COMMITMENT TO ANOTHER DISTRICT	
<i>Paul Sholtz</i>			
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
	<i>C-07-4234</i>	<i>H-08-579 M</i>	
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN			
<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other (specify) Petition			
charging a violation of		U.S.C. § <i>failure to appear warrant</i>	
DISTRICT OF OFFENSE <i>Northern District of California, San Jose</i>			
DESCRIPTION OF CHARGES:			
<i>failure to appear</i>			
CURRENT BOND STATUS:			
Bail fixed at / deposit and conditions were not met Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input checked="" type="checkbox"/> Other (specify) <i>No bond</i>			
Representation: Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization CJA Attorney None			
Interpreter Required? <input checked="" type="checkbox"/> No Yes Language:			
DISTRICT OF			
TO: THE UNITED STATES MARSHAL			
You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.			
<i>7/28/08</i> Date		<i>Gar Bree</i> United States Judge or Magistrate Judge	
RETURN			
This commitment was received and executed as follows:			
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	
DATE		(BY) DEPUTY MARSHAL	

I HEREBY CERTIFY
 A TEST: *7/28/08*
 MICHAEL N. MURPHY, CLERK
 By *[Signature]* Deputy Clerk

AO 466A (Rev. 10/03) Waiver of Rule 5 & 5.1 Hearings

UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

v.

PAUL SHOLTZ

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

CASE NUMBER: H-08-579 m

CHARGING DISTRICTS
CASE NUMBER: ~~5~~ C-07-04234

I understand that charges are pending in the Northern District of CALIFORNIA
alleging violation of Contempt and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- (☒) identity hearing
(☐) preliminary hearing
(☐) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

[Signature]
Defendant

[Signature]
Defense Counsel

7/28/08
Date

TRUE COPY I CERTIFY

CLERK OF COURT

[Signature]
Deputy Clerk

COURTROOM MINUTES:The Honorable Calvin Botley Presiding
Deputy Clerk Paul A. YebertClerk, U.S. District Court
Southern District of Texas7/28/08
Michel N. Milby, ClerkInterpreter Present? ☐ Yes ☒ No ERO S. GuvvaraUSPT/USPO V. FendleyOPEN 2:08 ADJOURN 2:12☒ OTHER DISTRICT ☐ DIVISION N.D. California THEIR CASE# C-07-4234 2:48-2349**PROCEEDING HELD:**

- | | | |
|---|--|---|
| <input type="checkbox"/> Initial Appearance | <input type="checkbox"/> Counsel Determination Hearing | <input type="checkbox"/> Status Hearing |
| <input type="checkbox"/> Bond Hearing | <input type="checkbox"/> Identity | <input type="checkbox"/> Hearing Continued on _____ |
| <input type="checkbox"/> Detention Hearing | <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Other _____ |

CASE NUMBER ☐ CR ☒ MJ 08-519M Defendant # _____Paul SholtzAUSA Sam LouisAndres Sanchez F☒ Date of arrest 1-28-08☒ Rule 5☒ Defendant's first appearance, Advised of rights/charges on: ☐ Indictment ☐ Information ☐ Superceding Violation of ☐ Supervised Release ☐ Probation☒ Defendant ☐ Material Witness appeared ☐ with ☒ without counsel

- ☐ Defendant requests appointed counsel. ☐ Financial Affidavit executed and sworn.
- ☒ Order appointing Federal Public Defender ☐ Order appointing private counsel to follow.
- ☐ Order of partial reimbursement to follow. ☐ Oral order, Defendant to Reimburse CJA fund \$ _____
- ☐ Defendant advises that he will retain private counsel. _____

- | | | |
|---|---|---------|
| <input type="checkbox"/> Defendant _____ bond set | <input type="checkbox"/> Cash <input type="checkbox"/> Surety <input type="checkbox"/> P/R <input type="checkbox"/> Unsecured <input type="checkbox"/> \$ _____ | Deposit |
| <input type="checkbox"/> Defendant _____ bond set | <input type="checkbox"/> Cash <input type="checkbox"/> Surety <input type="checkbox"/> P/R <input type="checkbox"/> Unsecured <input type="checkbox"/> \$ _____ | Deposit |
| <input type="checkbox"/> Defendant _____ bond set | <input type="checkbox"/> Cash <input type="checkbox"/> Surety <input type="checkbox"/> P/R <input type="checkbox"/> Unsecured <input type="checkbox"/> \$ _____ | Deposit |

☐ Surety signatures required as to Defendant(s) _____☐ Defendant(s) _____ advised of conditions of release☐ BOND EXECUTED and Defendant _____ Released☐ No bond set at this time. 10 day Detention Order entered, as to Defendant(s) _____☐ Order of Temporary Detention Pending Hearing entered as to Defendant(s) _____☐ Order of Detention Pending Trial entered as to Defendant(s) _____☐ Bond revoked ☐ Bond reinstated ☐ Bond Continued☐ Defendant _____ remanded to custody ☐ M/W remanded to custody☒ Defendant Ordered Removed to Originating DistrictDefendant ☒ Waiver of ☐ Preliminary ☒ Identity ☐ Detention Hrg ☐ Detention Hrg this District☐ Court finds: ☐ Probable Cause ☐ Identity☐ Defendant(s) _____ is/are scheduled on _____ at _____ for:

- | | | |
|--|--|---|
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Counsel Determination Hearing | <input type="checkbox"/> Identity Hearing |
| <input type="checkbox"/> Detention Hearing | <input type="checkbox"/> Preliminary Hearing | <input type="checkbox"/> Final Revocation Hearing |

Andres Sanchez present

TRUE COPY I CERTIFY

ATTEST:

Michel N. Milby, Clerk of Court

By: Mercedes R. Lema
Deputy Clerk